

# Young / Sommer LLC

ATTORNEYS AT LAW

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March 4, 2020

## VIA OVERNIGHT MAIL

Karen Maples  
Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 2  
290 Broadway, 16<sup>th</sup> Floor  
New York, New York 10007-1866

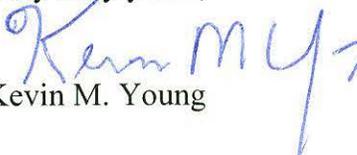
Re: USEPA – Region 2 - Norlite, LLC  
In a Proceeding under Section 113(d) of the Clean Air Act  
CAA-02-2020-1004

Dear Ms. Maples:

In regards to the above-referenced matter, enclosed for filing please find an original and a copy of Norlite, LLC's Answer to USEPA's Complaint and Notice of Opportunity to Request a Hearing. An Affidavit of Service is also attached.

Thank you.

Very truly yours,

  
Kevin M. Young

Enclosures

cc:

Christopher Saporita (*One Copy*)  
Assistant Regional Counsel  
U.S. Environmental Protection Agency, Region 2  
290 Broadway, 16<sup>th</sup> Floor  
New York, New York 10007-1866



8. Refers to 40 CFR Part 63, Subpart A, for the content of the general NESHAP requirements.
9. Refers to 40 CFR § 63.1(a)(4)(i) for the contents thereof.
10. Refers to 40 CFR Part 63 for the rules governing applicability of the NESHAP program.
11. Admits that 40 CFR § 63.2 contains the definitions that apply to other NESHAP regulations.
12. Refers to 40 CFR § 63.2 for the contents thereof.
13. Refers to 40 CFR § 63.1(a)(4) and 63.1(c)(1) for the contents thereof.
14. Refers to 64 Fed. Reg. 63038 (Sept. 30, 1999) for the contents thereof.
15. Refers to 40 CFR § 63.1200(a)(1) for the contents thereof.
16. Refers to 40 CFR § 63.1206(b)(1) for the contents thereof.
17. Refers to 40 CFR § 63.1201 for the contents thereof.
18. Refers to 40 CFR §§ 63.1207(b)(1) and 63.1209 for the contents thereof.
19. Refers to 40 CFR § 1207(j)(1)(i) and 63.1209 for the contents thereof.
20. Refers to 40 CFR § 1207(j)(1)(ii) for the contents thereof.
21. Refers to 40 CFR § 1209 for the contents thereof.
22. Refers to 40 CFR § 1209 for the contents thereof.
23. Refers to 40 CFR § 63.1209(k)(1)(ii) for the contents thereof.
24. Refers to 40 CFR § 63.1209(m)(1)(i)(A) for the contents thereof.
25. Refers to 40 CFR § 63.1209(n)(3) for the contents thereof.
26. Refers to 40 CFR § 63.1209(o)(3)(i) for the contents thereof.
27. Refers to 40 CFR § 63.1209(m)(1)(i)(B)(1)(ii) for the contents thereof.

28. Refers to 40 CFR § 63.1209(n)(3) for the contents thereof.
29. Refers to 40 CFR § 63.1209(l)(2) for the contents thereof.
30. Refers to 40 CFR § 63.1209(m)(1)(i)(C) for the contents thereof.
31. Refers to 40 CFR § 63.1209(n)(3) for the contents thereof.
32. Refers to 40 CFR § 63.1209(o)(3)(v) for the contents thereof.
33. Refers to 40 CFR § 63.1221(a)(4) for the contents thereof.

### **FINDINGS OF FACT**

34. Admits the allegations in paragraph 34 of the Complaint.
35. Admits the allegations in paragraph 35 of the Complaint.
36. Admits the allegations in paragraph 36 of the Complaint.
37. Admits the allegations in paragraph 37 of the Complaint.
38. Denies knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 38 of the Complaint.
39. For the reasons set forth below, Respondent denies the allegations of non-compliance set forth in the Complaint.
40. Admits the allegations in paragraph 40 of the Complaint.
41. Admits the allegations in paragraph 41 of the Complaint.
42. Admits the allegations in paragraph 42 of the Complaint.
43. Denies knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 43 of the Complaint.
44. Denies knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 44 of the Complaint.

45. Denies knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 45 of the Complaint.

46. Denies knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 46 of the Complaint.

47. Denies knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 47 of the Complaint.

48. Admits the allegations in paragraph 48 of the Complaint.

### **CONCLUSIONS OF LAW**

49. Admits that Norlite is a limited liability corporation and refers to CAA § 302(e) for the definition of person under the CAA.

50. Admits the allegations in paragraph 50 of the Complaint.

51. Admits the allegations in paragraph 51 of the Complaint.

52. Denies the allegations in paragraph 52 of the Complaint.

53. Denies the allegations in paragraph 53 of the Complaint.

54. Denies the allegations in paragraph 54 of the Complaint.

55. Denies the allegations in paragraph 55 of the Complaint.

56. Denies the allegations in paragraph 56 of the Complaint.

57. Denies the allegations in paragraph 57 of the Complaint.

58. Denies the allegations in paragraph 58 of the Complaint.

59. Denies the allegations in paragraph 59 of the Complaint.

60. Denies the allegations in paragraph 60 of the Complaint.

61. Admits that due to the approved test feed rates, the emissions for three parameters from the Comprehensive Performance Test for Kiln 1 on December 7, 2017 exceeded the

Subpart EEE criteria and asserts that this was a test to determine the permissible feed rates and, as a result, denies that a test to determine the permissible feed rate is a violation of 40 CFR § 63.1221(a)(4).

## **DEFENSES**

### Overview of Dispute

62. With one exception, the allegations in this Complaint are premised on EPA’s determination that Respondent exceeded the operating parameter limits (OPLs) established in its 2011 comprehensive performance test (CPT) during calendar years 2012-2014. As set forth in greater detail below, these allegations ignore the conflict between the OPLs established during the 2011 CPT and those established during a 2004 CPT that were incorporated by the New York State Department of Environmental Conservation (NYSDEC) into a permit issued to Respondent in 2008 under New York’s federally-delegated hazardous waste program (6 NYCRR Parts 370-374 and 376) (hereinafter the “2008 Hazardous Waste Permit” or “Part 373 Permit”). Because OPLs are established during the specific operating conditions associated with a particular Comprehensive Performance Test, Respondent could not realistically comply with the two different sets of OPLs established during the 2004 and 2011 Comprehensive Performance Test nor could it comply only with the stricter OPLs established during each test. Respondent established alarms and otherwise conducted its operations to ensure compliance with the OPLs in its 2008 Hazardous Waste Permit. DEC—the agency responsible for issuing Respondent’s 2008 Hazardous Waste Permit and its Title V Air Permit and overseeing compliance with both regulatory programs—required Norlite to implement the OPLs in its 2008 Hazardous Waste Permit.

## Intersection of Hazardous Waste and Air Programs

63. The issues raised by the Complaint have their origins in a long-running dilemma relating to EPA's (and its delegated agencies) coordination of its conflicting air emissions requirements under the hazardous waste and air programs as applied to hazardous waste combustion facilities, such as Respondent's hazardous waste-burning lightweight aggregate production facility.

64. During the period prior to enactment of the National Emission Standards for Hazardous Air Pollutants (NESHAP or MACT) for hazardous waste combustors set forth at 40 C.F.R. Part 63, Subpart EEE, EPA (and the delegated agency DEC) regulated air emissions from hazardous waste combustors under the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6921 et seq. and Article 27 of the New York State Environmental Conservation Law ("ECL") (See also 6 NYCRR Parts 370 through 373). Norlite's original Part 373 permit (the original RCRA Part B permit) took over eight years to develop (1984 to 1992). That permit, and its successors, regulated every aspect of Norlite's hazardous waste activity, including establishing a complex set of operating parameters (known as the Operating Window or OPLs) within which the kiln must operate, the hazardous waste feed to the kiln, the allowed waste components, the waste acceptance procedures, laboratory analyses, monitoring equipment, reporting, and daily, weekly and monthly inspections. During calendar years 2012-2014, Norlite's Part 373 mandated an Operating Window established in the 2004 Comprehensive Performance Test. Under the Part 373 permit, the fuel feed to the kiln was programed with automatic waste feed shut off that automatically shut off waste fuel if the kiln exceeded one or more parameters in the 2004 Operating Window. If one or more of 2004 Operating Window parameters were approached during normal operations, there would be an alarm and if a

parameter exceedance could not have been avoided, the fuel would either manually or automatically be switched to a non-hazardous fuel. The 2004 Operating Window (with its mandatory shut offs) was required by the Part 373 until 2015.

65. EPA promulgated as a rule Subpart EEE NESHAP for hazardous waste combustors in 1999 pursuant to Clean Air Act (CAA) § 112, 42 U.S.C. § 7412. In that rulemaking, EPA made a determination to regulate air emissions from hazardous waste combustors under the CAA Program and to eliminate air emission requirement from the RCRA Program. In the preamble to the rulemaking, EPA struggle with how to implement the switch from RCRA to the CAA. Both programs were, for the most part, delegated to the states to implement and each state had its own set of hazardous waste regulations and clean air regulations. As the focal point of the Subpart EEE NESHAP, EPA incorporated from the RCRA Program the Operating Window requirement based upon a Comprehensive Performance Test performed every 5 years. Under RCRA, the Comprehensive Performance Test was called a Trial Burn and was required every 5 years; under Subpart EEE NESHAP the Comprehensive Performance Test was called the Comprehensive Performance Test or CPT. As part of that rulemaking, EPA modified the hazardous regulations (40 CFR Part 264, et al) to delete the trail burn and Operating Window requirements from that program. Under the hazardous regulations, even though trail burns were conducted every 5 years, the Operating Window mandated and incorporated into the hazardous waste permit applied until the permit could be formally modified to incorporate the latest trail burn results. In New York State, a modification to a hazardous waste permit to incorporate a new Operating Window was considered a major permit modification subject to public notice and comment and potentially an adjudicatory hearing. (See 6 NYCRR Part 621). When EPA switched the Operating Window requirement to CAA, EPA

made the Operating Window established from the latest CPT automatically incorporated into the air permit without any due process or even formal approval. As discussed below, this switch between programs and between triggering events created a regulatory nightmare because there are 52 states most of which have delegated air and hazardous waste programs.

66. In the preamble to Subpart EEE and in at least two separate federal register notices, EPA struggle with trying to find a method to transition regulation of air emissions from hazardous waste combustors from the RCRA hazardous waste program to the CAA NESHAP program. As a review of the history of Subpart EEE makes clear, EPA recognized that the transition of air emission regulations from RCRA to Subpart EEE would not be easy. The preamble accompanying the September 30, 1999 rulemaking adopting the Subpart EEE NESHAP included extensive discussion of the issues associated with transitioning the regulation of hazardous waste combustor air emissions from the RCRA to the CAA. 64 Fed. Reg. 52828. The discussion addressed substantive compliance issues (including the potential imposition of multiple, conflicting standards), the procedural options for transitioning from RCRA to CAA permits, and the anticipating timing for completing the transition. This process contemplated that air emission requirements would be addressed in the facility's Title V air permit not the RCRA permit and that the transition process would take, at most, several years.

#### History of Respondent's Hazardous Waste and Title V Air Permits and OPLs

67. EPA has delegated authority to the NYSDEC for issuing Title V air permits under 6 NYCRR Part 201 and hazardous waste treatment, storage and disposal facility (TSDF) permits under 6 NYCRR Part 370-374 and 376.

68. The NYSDEC issued Respondent's first Title V permit in 2002. That permit included numerous permit conditions derived from Respondent's then-current hazardous waste

permit despite Respondent's objections to this practice in its comments on the draft permit. Respondent appealed the 2002 permit, which was not replaced until late 2015, approximately 13 years later.

69. The draft Title V permits prepared by NYSDEC over the course of this lengthy permit review period included air emission-related conditions pulled from Respondent's RCRA permit over Respondent's repeated objections and contrary to the approach contemplated by EPA. In objecting to this practice, Respondent emphasized the importance of eliminating inconsistencies between the air and hazardous waste programs and expressed concerns about the difficulties associated with being required to comply with two different set of standards. Respondent also raised concerns about the process of incorporating OPLs into the Title V permit. Respondent and the NYSDEC were aware from the outset of the difficulties posed by maintaining two permits covering the same air emissions as well as the need to ensure that OPLs were properly updated to reflect changes following CPTs. However, these issues were not resolved until 2015, when NYSDEC issued new Title V and RCRA permits to Respondent.

70. During the 13-year period between issuance of Respondent's first and second Title V permits, Respondent conducted several CPTs in accordance with Subpart EEE to satisfy the requirements of both the NESHAP and RCRA hazardous waste programs and establish OPLs for the kilns. The NYSDEC incorporated the OPLs established during the 2004 CPT as enforceable permit conditions into Respondent's revised hazardous waste permit, which took effect in 2008. The 2008 Hazardous Waste Permit remained in effect until 2015, when NYSDEC issued new hazardous waste and Title V air permits to the facility.

71. Respondent conducted a second CPT for the kilns in 2011 pursuant to the requirements of Subpart EEE. In April 2011, Respondent submitted the "MACT Comprehensive

Performance Test Report and Notification of Compliance for Lightweight Aggregate Kilns 1 & 2 (Final Report) (NOC) to the NYSDEC. However, NYSDEC never revised Respondent's 2008 Hazardous Waste Permit to incorporate the new OPLs. Accordingly, the limits based on the 2004 CPT remained the enforceable conditions.

72. In designing and approving the CPT protocols for the 2004 and 2011 CPTs, the NYSDEC's and Respondent's goal was to define the range of conditions (i.e., the "operating window") that would ensure that the Facility would not exceed applicable emission standards while at the same time maximizing the Facility's operational flexibility. Consistent with 40 C.F.R. § 63.7(e)(1), the operating window must be representative of normal operating conditions. This overall goal is the basis for the performance test requirement in the NESHAP as well as the trial burn requirement under the RCRA hazardous waste program. A detailed CPT protocol was developed based on input from Respondent on normal and achievable operating conditions that would meet the emission standards. The protocol was then approved by the responsible agency—in this case, the NYSDEC—and the CPT implemented over a period of several days consistent with the approved CPT protocol. EPA Region 2 was also provided a copy of the CPT protocol for review and comment.

73. During the course of the test, the NYSDEC was present on site working with Respondent and the third-party testing contractors. During this process, the operation of the equipment and other conditions were continuously adjusted in an attempt to define the range of conditions (i.e., the operating window) under which the Facility could operate while meeting the applicable regulatory emission limits. Each CPT is a unique event driven by a host of factors, including weather and other external conditions, the particular state of the equipment, the

dependent operational parameters that directly and indirectly affect one another and, most important, past operating experience.

74. Upon completing the CPT, each parameter in the approved operating window was assigned an alarm number and an automatic waste fuel cutoff (AWFCO) limit. This information was also incorporated into the forms developed maintained by Respondent to document compliance with the OPLs. If a particular parameter is approaching the OPL, an alarm will trigger indicating to the operators that there may be a problem. If the problem cannot be immediately corrected following the sounding of the alarm and the condition continues, hazardous waste feed to the kiln(s) is automatically cut off at the AWFCO limit and a new fuel, (spec oil) is introduced into the kiln.

75. AWFCOs are destabilizing events because the switching of fuels affects the homeostasis of the combustion process. Because that destabilization has the potential to increase emissions from the kiln, the NYSDEC and Respondent are continuously working together to avoid and minimize AWFCOs.

76. During the time period covered by the Complaint, the kiln operators (together with the compliance staff) completed AWFCO testing parameters sheets which identified and tracked the applicable OPLs. Each month, Norlite conducted a test of each of the different parameter's AWFCO. A sheet documenting the test results was available to NYSDEC full time on-site monitor, and Respondent was required to must submit a written report to the NYSDEC if the number of monthly AWFCOs exceeded a specified threshold. The report identified the causes of the AWFCOs and the steps taken to reduce them.

77. During the period covered by the Complaint, the AWFCO testing sheets clearly indicated the applicable OPLs and their regulatory origins (MACT and/or RCRA). Regulators

visiting the Facility were thus aware of what OPLs were in place and what program they were intended to satisfy.

78. Because the 2004 operating window (and its associated alarms and AWFCO parameters) was incorporated into the 2008 Part 373 permit, Respondent could not adopt the 2011 operating window (and new alarms and AWFCO parameters) unless the NYSDEC first modified the Part 373 permit, as required by 6 NYCRR § 373-1.7. Although the NYSDEC approved the 2011 CPT protocol and oversaw the actual testing, the NYSDEC never revised the 2008 Hazardous Waste Permit to incorporate the new OPLs nor did it otherwise require Respondent to comply with any OPLs established during by the 2011 CPT.

79. Mixing and matching between two different operating windows from two different CPTs was not an alternative contemplated under the Part 373 permit and/or the Subpart EEE NESHAP. The two CPTs were conducted under separate approved protocols several years apart representing two unique set of operating conditions and yielding two different sets of OPLs. The operating window (or OPLs) had to be based upon one CPT conducted pursuant to an approved protocol.

80. A “mixed and matched” operating window from two or more CPTs conducted several years apart may not be representative of normal operating conditions as required by the NESHAP performance testing regulations. More importantly, operating parameters are interrelated and the kiln and air pollution control systems must be considered as an “integrated system” in setting OPLs. As a result, it is not appropriate to require simultaneous compliance with OPLs established during two different CPTs since the OPLs will not reflect an actual, representative set of operating conditions. From a practical perspective, adopting a mix and match operating window with the stricter OPLs from two different CPTs could have resulted in

unnecessary additional AWFCOs and possibly more emissions from a less stable combustion process.

81. The allegations in the Complaint are premised on contention that Respondent was required to comply with the OPLs established pursuant to the 2011 CPT. For example, paragraph 43 of the Complaint alleges that “Kiln 1 and Kiln 2 were each operated while burning hazardous waste for a combined total of approximately 38,834 hourly average periods (rolled each minute) with the heat exchange exit temperature above the maximum OPL of 436 degrees Fahrenheit established by the April 2011 NOC.” In fact, however, during that period, operations at the Facility were governed by the OPLs contained in the 2008 Hazardous Waste Permit, which were based on the 2004 CPT and not the 2011 CPT. With the knowledge of DEC—the agency delegated by EPA to implement the hazardous waste and Title V air permit programs—the alarms and documentation were established based on the 2004 OPL.

82. In light of the considerations set forth above, Respondent was required to comply either with the 2004 OPLs or the 2011 OPLs. It could not comply with both since the alarms and documentation must reflect a single set point, nor could it comply with the stricter of the limits established during the 2004 and 2011 CPTs, since doing so would not be reflective of real and representative operating conditions. Since the OPLs established during the 2004 CPT were incorporated in Respondent’s Part 373 permit, it was up to the NYSDEC to modify that permit to incorporate the 2011 OPLs before implementing them. Since the necessary permit modification was never made, Respondent was obliged to comply with the 2004 OPLs contained in the Part 373 permit.

83. Respondent was and is one of the most heavily regulated and closely supervised facilities in New York State. In order to ensure compliance with the Part 373 permit, Respondent funds a full-time on-site NYSDEC monitor (complete with office) at its facility. The on-site monitor oversees all aspects of Respondent's operations and has unrestricted access to all required documentation concerning operation of the kilns.

84. During the relevant period, Respondent submitted dozens of reports and other information to the NYSDEC and/or EPA, including reports that were specifically tied to Norlite's compliance with its OPLs. Examples of these reports include the exceedance reports, semiannual MACT exceedance reports and Title V compliance reports submitted on a semiannual and annual basis.

85. In 2008, at the time DEC issued the 2008 Hazardous Waste Permit incorporating the 2004 CPT operating window, DEC had failed to update its hazardous waste regulations to eliminate the OPL requirements from the hazardous waste program. EPA issued that regulatory change in 1999 when it adopted the NESHAPs. For whatever reason, DEC made a decision not to modify its regulations to adopt that change and to continue to control the OPLs through the hazardous waste program (where the OPLs are specified in the permit). As the parent agency, EPA could have asserted pressure on DEC to adopt its 1999 RCRA rulemaking changes. Upon information and belief, during the relevant time period, EPA failed to take any action or to notify the NYSDEC of the inconsistency between the State program and the federal RCRA program. At no time from 2012-2014 did the NYSDEC—the agency delegated by EPA to implement Subpart EEE—conclude based on inspection results, mandatory submissions, or feedback from the on-site NYSDEC monitor that Respondent was implementing the wrong OPLs and/or that Respondent had exceeded its OPLs. Given the intense nature of agency

oversight of Norlite's operations, it is inconceivable that the NYSDEC was not aware of, and had not approved, the settings for the alarms and AWFCOs.

86. Respondent acknowledges that EPA is the author of the MACT standard and that it has its own interpretation of that standard and disagrees with NYSDEC implementation of that program vis-à-vis the hazardous waste program during the period 2012 through 2014. From EPA's perspective, NYSDEC should have amended its hazardous waste regulations to be consistent with federal RCRA regulations and deleted from the Part 373 permit the operating window requirement. In defense of NYSDEC, as stated above, NYSDEC had invested an inordinate amount of time and resources in regulating and controlling the Norlite's kiln operations under the hazardous waste program and had an entire infrastructure to ensure safe and environmentally protective operations. The only way to address the inconsistency between the state and federal program was for the NYSDEC to modify the Part 373 permit to delete the OPLs (and their alarms and WFCOs) from the Part 373 permit. In 2008, nine years after EPA created the inconsistency, DEC refused to delete the OPLs (and their alarms and WFCOs) from the Part 373 permit and intentionally issued a new Part 373 permit with OPLs based upon the 2004 CPT.

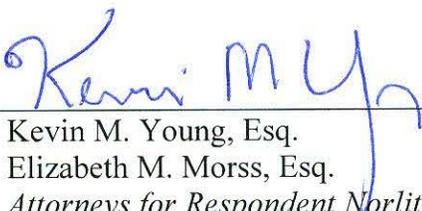
87. In order to conduct its operations, Respondent and other companies require regulatory certainty. Where EPA delegates authority to implement a program to the State, it cannot and should not overrule the State's decision to the detriment of the regulated entities without a very good reason. In this case, the NYSDEC chose to regulate the kiln operations under the hazardous waste program because it had a robust regulatory infrastructure to control those operations. EPA could have questioned NYSDEC's decision or threaten the State's delegation of one or both programs. EPA is now arguing that Respondent should have

implemented a different set of OPLs in violation of the Part 373 permit (and its associated alarms and WFCOs) and is seeking to punish Respondent for simply complying with the limits set by the State. If EPA is going to upset this delegated relationship and eliminate the certainty promised by RCRA and Clean Air Act, it should do so only when it is in the best interest of the environment and the local community. In this case, EPA cannot show that Respondent's compliance with the OPLs mandated by the NYSDEC and incorporated into the Part 373 hazardous waste permit caused any harm to the environment.

88. Respondent respectfully request a hearing to contest the violations alleged herein and the proposed penalty.

Dated: March 4, 2020  
Albany, New York

**YOUNG/SOMMER LLC**

By:   
Kevin M. Young, Esq.  
Elizabeth M. Morss, Esq.  
*Attorneys for Respondent Norlite, LLC*  
Executive Woods  
5 Palisades Drive  
Albany, New York 12205  
Phone: (518) 438-9907  
Email: [kyoung@youngsommer.com](mailto:kyoung@youngsommer.com)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2

In re:

Norlite, LLC,

**Respondent**

In a proceeding under  
Section 113(d) of the Clean Air Act

**AFFIDAVIT OF SERVICE  
VIA OVERNIGHT MAIL**

CAA-02-2020-1004

U.S. ENVIRONMENTAL PROTECTION AGENCY  
REGION 2  
200 N. RIVER ST., ALBANY, NY 12205  
7:10 AM - 5:00 PM 3-21

STATE OF NEW YORK )  
: ss.:  
COUNTY OF ALBANY )

ELIZABETH B. WYKES, being duly sworn deposes and says that deponent is over the age of eighteen years and is not a party in this proceeding. On March 4, 2020, she served Norlite, LLC's Answer to USEPA's Complaint and Notice of Opportunity to Request a Hearing upon the individuals at the following addresses:

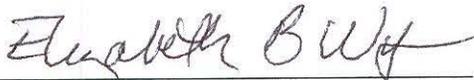
One Original and One Copy:

Karen Maples  
Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 2  
290 Broadway, 16<sup>th</sup> Floor  
New York, New York 10007-1866

One copy:

Christopher Saporita  
Assistant Regional Counsel  
U.S. Environmental Protection Agency, Region 2  
290 Broadway, 16<sup>th</sup> Floor  
New York, New York 10007-1866

via Overnight Mail by depositing a true and correct copy of the same in a properly addressed wrapper in the Official Depository maintained and exclusively controlled by Federal Express at Executive Woods, Albany, New York 12205.

  
ELIZABETH B. WYKES

Sworn to before me this  
4<sup>th</sup> day of March 2020

\_\_\_\_\_  
Notary Public

**LISA GORMAN**  
Notary Public, State of New York  
Qualified in Rensselaer County  
No. 01GO6057069  
Commission Expires April 9, 2023